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ARIZONA ATTORNEY GENERAL

January 17, 1980

Mr. G. C. Anderson, Jr.
Executive Secretary
Arizona Corporation Commission
2222 West Encanto Boulevard
Phoenix, AZ 85009

Re: ⁸⁰
~~179~~-002 (R79-326)

Dear Mr. Anderson:

You have asked whether the prohibition on rules of gas appliances found in A.R.S. § 40-1202.A applies to furnaces sold as an integral part of a new or used mobile or modular home, as well as those appliances sold as individual units.

The pertinent part of the above-referenced statute provides that "no new residential-type gas appliance that is equipped with a pilot light shall be sold or installed in the state after an alternative means has been certified by the commission." This broad language would apply to the sale of all such specified appliances unless otherwise excepted. There appears to be no statutory exception for those appliances being sold as an integral part of a mobile or modular home and, therefore, the prohibition set forth in the statute would apply to such sales.

This construction of the statute finds support in the broad language of the definitions set forth in A.R.S. § 40-1201. In particular, paragraph 4 of this statute defines "gas appliance", in part, as meaning "any new residential-type furnace . . . which uses a gaseous fuel for operation and is automatically ignited." (Emphasis added.) This broad language is clearly all-inclusive.

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Accordingly, it is our opinion that the prohibition on the sale of new residential-type gas appliances equipped with pilot lights found in A.R.S. § 40-1202.A applies to furnaces sold as an integral part of a new or used mobile or modular home and that the prohibition will take effect after certification, on the date specified by the statute.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Corbin". The script is cursive and fluid.

BOB CORBIN
Attorney General

BC/mm